

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff

v.

JAY MICHAUD,

Defendant.

NO. CR15-05351 RJB

UNOPPOSED MOTION TO UNSEAL
FILINGS

Noting Date: February 3, 2016

The United States of America, by and through Annette L. Hayes, United States Attorney for the Western District of Washington, Matthew P. Hampton, Assistant United States Attorney for said District, and Keith A. Becker, Trial Attorney, files this unopposed motion to unseal certain filings.

Per the Court's instruction, the parties have conferred regarding the items on the Court's docket that remain under seal in an effort to identify those entries that may be unsealed. Although many of the pleadings filed in this case have been filed under seal at the request of the government in an effort to protect a still-ongoing law enforcement investigation, publicity generated by these and other proceedings arising from this investigation has diminished the justification for keeping sensitive information under seal. Accordingly, it is the government's position that many of the filings currently under

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1 seal may now be unsealed. However, there are a number of documents filed in this case
 2 that remain under seal in the Eastern District of Virginia and should therefore remain
 3 under seal here, until further order of that Court. The government is working to identify
 4 which of those documents may be unsealed—either in their entirety or partially. The
 5 government expects that this process will be complete soon, possibly as early as the week
 6 of February 8.

7 The government requested, through counsel, the position of the defendant on this
 8 request. The defendant does not oppose the motion but believes that the entire record
 9 should be unsealed and would defer to the Court on the question of which, if any,
 10 documents should remain under seal.

11 **I. Request for Unsealing**

12 The government requests the Court to unseal the following docket entries:¹

- 13 1. Docket 17: Motion for Discovery Protective Order
- 14 2. Docket 19: Discovery Protective Order
- 15 3. Docket 26: Motion to Suppress Evidence and Statements
- 16 4. Docket 41-1: Residential SW
- 17 5. Docket 41-4: March 9, 2015 Facsimile to Comcast
- 18 6. Docket 44: Affidavit of Colin Fieman in Support of Reply to Government's
- 19 Response to Motion to Vacate Protective Order
- 20 7. Docket 47: Response to Motion to Suppress Evidence and Statements
- 21 8. Docket 47-2: Residential Warrant
- 22 9. Docket 47-3: Cell Phone Warrant
- 23 10. Docket 52: Exhibit B to Docket 50 (February 20, 2015, Screenshot of Website A
- 24 Homepage)
- 25 11. Docket 65: Second Motion to Suppress and Request for a Franks Hearing
- 26 12. Docket 65-1: Exhibit A (Website A Screenshot)

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 28 ¹ Docket entries 41-1 and 47-2 remain under seal in this Court under the MJ case number. Alongside this motion, the government intends to file a motion requesting the unsealing of those cases.

- 1 13. Docket 65-2: Exhibit B (Website A Screenshot)
- 2 14. Docket 65-3: Proposed Order
- 3 15. Docket 69: Reply to Government's Response to First Motion to Suppress
- 4 Evidence and Statements
- 5 16. Docket 69-1: Exhibit A (U.S. v. Cottom et al. July 28, 2014, Findings and
- 6 Recommendation)
- 7 17. Docket 74: Response to Motion to Compel Discovery
- 8 18. Docket 74-1: Exhibit 1 (September 9, 2015, Letter from Colin Fieman)
- 9 19. Docket 74-2: Exhibit 2 (October 22, 2015, Letter from Colin Fieman)
- 10 20. Docket 74-3: Exhibit 3 (October 30, 2015, Letter from Kate Vaughan)
- 11 21. Docket 87: Response to Motion to Dismiss Indictment
- 12 22. Docket 90: Response to Second Motion to Suppress and Request for Franks
- 13 Hearing
- 14 23. Docket 90-1: Exhibits 1/2 (Website A Homepage Screenshots)
- 15 24. Docket 94: Surreply to First Motion to Suppress Evidence and Statements
- 16 25. Docket 94-1: Exhibit 1 (Tor Project Overview); Exhibit 2 (TOR Project FAQ);
- 17 26. Docket 96: Stipulated Motion for Entry of Discovery Protective Order
- 18 27. Docket 102: Discovery Protective Order
- 19 28. Docket 109: Response to Order Compelling Discovery
- 20 29. Docket 115: Third Motion to Compel Discovery

21 **II. Docket Entries to Remain Sealed**

22 The government requests that the following docket entries remain under seal until
23 further order of the Court:

- 24 1. Docket 41-2: "NIT" warrant which remains under seal in the Eastern District of
- 25 Virginia
- 26 2. Docket 41-3: Title III Application which remains under seal in the Eastern
- 27 District of Virginia
- 28

3. Docket 47-1: "NIT" warrant which remains under seal in the Eastern District of Virginia
4. Docket 47-3: 18 U.S.C. § 3103a Orders which remain under seal in the Eastern District of Virginia
5. Docket 47-5: Title III Application which remains under seal in the Eastern District of Virginia
6. Docket 69-2: Exhibit B (First Request for Extension of Delayed Notice which remains under seal in the Eastern District of Virginia)
7. Docket 69-3: Exhibit C (Second Request for Extension of Delayed Notice which remains under seal in the Eastern District of Virginia)
8. Docket 69-4: Exhibit D (Third Request for Extension of Delayed Notice which remains under seal in the Eastern District of Virginia)

Dated this 3rd day of February, 2016.

Respectfully submitted,

/s/ Matthew P. Hampton
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/s/ Keith A. Becker
KEITH A. BECKER
Trial Attorney

CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s).

s/Emily Miller
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